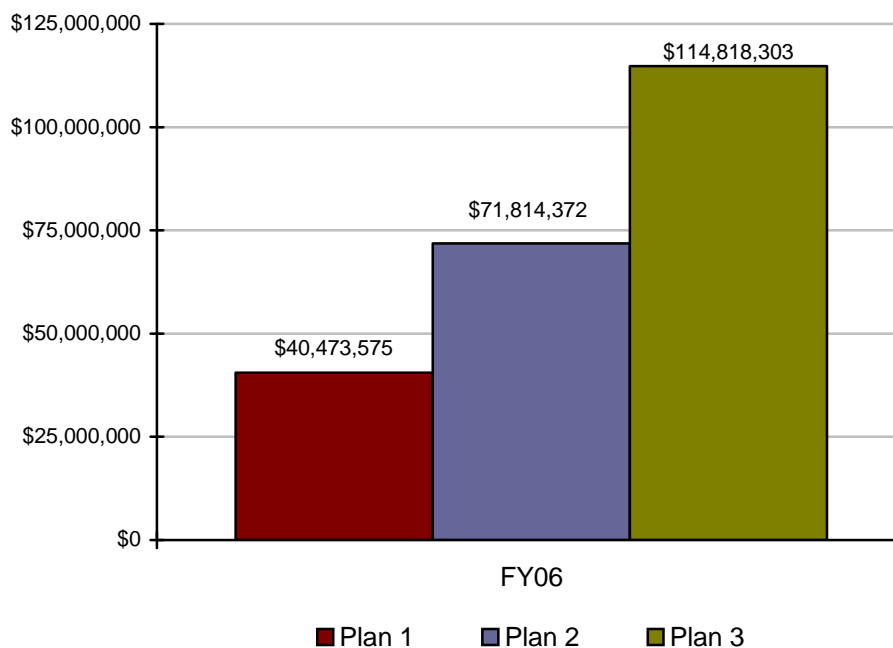


# Total Benefits

The information below is compiled from expenditure reports submitted to the DLI by workers' compensation insurers and claims administrators. The dollar amounts provided below are the total dollars insurers reported they paid in that fiscal year, for indemnity<sup>1</sup> and medical benefits, for any and all dates of injury. Readers should be aware that prior years' benefit totals have been updated since the publication of previous annual reports due to the receipt of amended expenditure reports.

**Exhibit 5.1**  
**Total Benefits<sup>2</sup> Paid FY06**  
**By Plan Type<sup>3</sup>**



**Exhibit 5.2**  
**Total Benefits Paid**  
**By Plan Type<sup>3</sup> and Fiscal Year of Payment**

Plan Type <sup>3</sup>	FY02	FY03	FY04	FY05	FY06
Plan 1	31,865,950	34,866,131	39,687,598	39,444,731	40,473,575
Plan 2	69,983,989	73,889,121	67,663,530	69,163,421	71,814,372
Plan 3	75,735,063	91,798,520	103,416,233	101,699,733	114,818,303
<b>Total<sup>2</sup></b>	<b>\$177,585,002<sup>4</sup></b>	<b>\$200,553,772</b>	<b>\$210,767,361</b>	<b>\$210,307,885</b>	<b>\$227,106,250</b>

**Notes:**

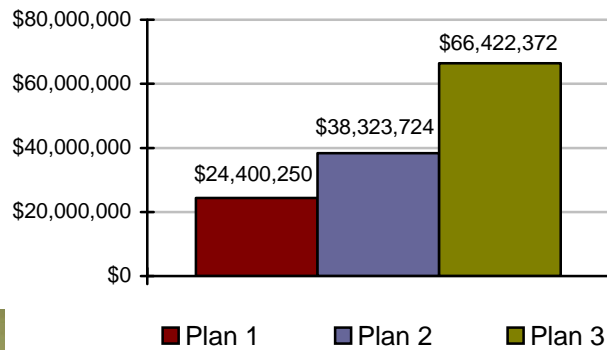
<sup>1</sup>An "indemnity claim" is a workers' compensation injury or occupational disease claim where wage loss benefits, in addition to medical benefits, are currently being paid or are likely to be paid in the future.

<sup>2</sup>Total benefits represent indemnity and medical, from DLI Quarterly Expenditure Reports as of 04-23-2007.

<sup>3</sup>Plan types: Plan 1 – Self-Insured Employers, Plan 2 – Private Insurance and Plan 3 – Montana State Fund.

<sup>4</sup>FY02 Total Benefits Paid was corrected in this year's report.

**Exhibit 5.3**  
**Medical Payments<sup>1</sup> FY06**  
**By Plan Type<sup>2</sup>**



**Exhibit 5.4**  
**Medical Payments**  
**By Plan Type<sup>2</sup> and Fiscal Year of Payment**

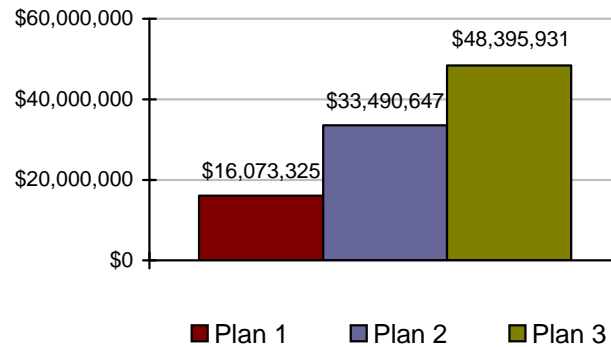
Plan Type <sup>2</sup>	FY02	FY03	FY04	FY05	FY06
Plan 1	17,626,880	19,960,057	22,770,056	23,118,835	24,400,250
Plan 2	36,012,896	37,705,229	34,524,486	35,707,234	38,323,724
Plan 3	40,571,820	51,404,831	58,018,771	55,579,237	66,422,372
<b>Total<sup>1</sup></b>	<b>\$94,211,596</b>	<b>\$109,070,117</b>	<b>\$115,313,313</b>	<b>\$114,405,306</b>	<b>\$129,146,346</b>

**Notes:**

<sup>1</sup>Medical payments are reported on DLI Quarterly Expenditure Reports as of 04-23-2007.

<sup>2</sup>Plan types: Plan 1 – Self-Insured Employers, Plan 2 – Private Insurance and Plan 3 – Montana State Fund.

**Exhibit 5.5**  
**Indemnity Payments<sup>1</sup> FY06**  
**By Plan Type<sup>2</sup>**



**Exhibit 5.6**  
**Indemnity Payments**  
**By Plan Type<sup>2</sup> and Fiscal Year of Payment**

Plan Type <sup>2</sup>	FY02	FY03	FY04	FY05	FY06
Plan 1	14,239,070	14,906,074	16,917,542	16,325,896	16,073,325
Plan 2	33,971,093	36,183,892	33,139,044	33,456,187	33,490,647
Plan 3	35,163,243	40,393,689	45,397,462	46,120,496	48,395,931
<b>Total<sup>1</sup></b>	<b>\$83,373,406</b>	<b>\$91,483,655</b>	<b>\$95,454,048</b>	<b>\$95,902,579</b>	<b>\$97,959,903</b>

**Notes:**

<sup>1</sup>Indemnity payments are reported on DLI Quarterly Expenditure Reports as of 04-23-2007.

<sup>2</sup>Plan types: Plan 1 – Self-Insured Employers, Plan 2 – Private Insurance and Plan 3 – Montana State Fund.

## Benefit Report Data

The ERD annually derives statistics on the wage loss and medical benefits paid to injured workers. The statistics are intended to display the developing costs of claims. In this section the statistics for the compiled benefit information are presented in tables which detail the cumulative costs of claims over the past six fiscal years<sup>1</sup> (FY), beginning with injuries sustained in FY01.

- Exhibits 5.7 and 5.8 report total wage loss benefits and medical benefits.
- Exhibits 5.9 through 5.12 report indemnity benefits individually by the four primary indemnity categories: temporary total disability, temporary partial disability, permanent partial disability, and permanent total disability.
- Exhibits 5.13 through 5.15 report medical benefits individually by the three primary medical categories (excluding lump sum payments): payments to physicians, hospitals, and other medical providers.
- Exhibit 5.16 reports a combined total of the data contained in tables 5.13 through 5.15.
- Exhibits 5.17 and 5.18 report lump sum payments of wage replacement benefits and medical benefits.
- Exhibit 5.19 reports vocational rehabilitation benefits.

Each table consists of six rows of data; each row holds information pertaining only to injuries sustained during the fiscal year shown in the "Injury Year" column. The "First Year" column presents the number of claims receiving the given benefit type within one year of the date on which the injury occurred; it also gives the average and median<sup>2</sup> benefits paid on those claims. The "Second Year" through "Sixth Year" columns report cumulative claim totals, average benefits, and median benefits paid within the respective number of years from the date of injury.

A detailed explanation, including an example, of the development and use of these benefit statistics is provided in the methodology section (p.87). This year the ERD improved methodology for analyzing and reporting benefit information. Readers should be aware that these improvements may have significantly affected the reported statistics, and comparisons to prior years' annual reports may not be valid.

**Notes:**

<sup>1</sup> Fiscal Year (FY) is defined as July 1 through June 30; FY06 ended on June 30, 2006.

<sup>2</sup> See definition of "median" in the "Definitions" section of the Appendices.

**Exhibit 5.7**

Total Wage Replacement: TTD, TPD, PTD, PPD, including Lump Sums							
Injury Year	Category	First Year	(Cumulative Totals)				
			Second Year	Third Year	Fourth Year	Fifth Year	Sixth Year
2006	# of Cases	3591					
	Avg Cost/Case	\$4,247					
	Median	\$1,591					
2005	# of Cases	4483	4716				
	Avg Cost/Case	\$4,862	\$7,116				
	Median	\$1,767	\$2,181				
2004	# of Cases	4641	5093	5162			
	Avg Cost/Case	\$4,513	\$7,282	\$7,932			
	Median	\$1,714	\$2,157	\$2,290			
2003	# of Cases	4375	4876	4985	5012		
	Avg Cost/Case	\$4,301	\$7,804	\$9,207	\$9,629		
	Median	\$1,679	\$2,483	\$2,546	\$2,622		
2002	# of Cases	4097	4559	4688	4731	4744	
	Avg Cost/Case	\$4,035	\$7,283	\$8,822	\$9,373	\$9,686	
	Median	\$1,656	\$2,437	\$2,669	\$2,812	\$2,819	
2001	# of Cases	3713	4125	4233	4295	4315	4320
	Avg Cost/Case	\$4,140	\$7,250	\$8,851	\$9,854	\$10,406	\$10,397
	Median	\$1,815	\$2,537	\$2,948	\$3,061	\$3,065	\$3,058

SOURCE: Data provided by State of Montana WCAP database.

**Exhibit 5.8**

Total Medical Costs, including Lump Sums							
Injury Year	Category	First Year	(Cumulative Totals)				
			Second Year	Third Year	Fourth Year	Fifth Year	Sixth Year
2006	# of Cases	3401					
	Avg Cost/Case	\$5,252					
	Median	\$2,056					
2005	# of Cases	4220	4624				
	Avg Cost/Case	\$6,854	\$9,517				
	Median	\$3,497	\$4,598				
2004	# of Cases	3873	4819	5005			
	Avg Cost/Case	\$5,871	\$8,810	\$10,098			
	Median	\$3,081	\$4,678	\$4,923			
2003	# of Cases	3386	4320	4777	4904		
	Avg Cost/Case	\$5,628	\$9,176	\$10,678	\$11,373		
	Median	\$3,020	\$4,801	\$5,259	\$5,359		
2002	# of Cases	3431	4038	4340	4577	4696	
	Avg Cost/Case	\$6,011	\$9,031	\$10,759	\$11,567	\$12,183	
	Median	\$2,889	\$4,425	\$4,835	\$4,991	\$5,146	
2001	# of Cases	3305	3846	3989	4134	4356	4571
	Avg Cost/Case	\$5,361	\$7,983	\$9,567	\$10,658	\$11,538	\$11,971
	Median	\$2,787	\$4,100	\$4,441	\$4,680	\$4,868	\$4,850

SOURCE: Data provided by State of Montana WCAP database.

**Exhibit 5.9**

<b>Wage Replacement: Temporary Total Disability, including Lump Sums</b>							
<b>Injury Year</b>	<b>Category</b>	<b>First Year</b>	<b>(Cumulative Totals)</b>				
			<b>Second Year</b>	<b>Third Year</b>	<b>Fourth Year</b>	<b>Fifth Year</b>	<b>Sixth Year</b>
2006	# of Cases	3304					
	Avg Cost/Case	\$3,029					
	Median	\$1,190					
2005	# of Cases	4039	4190				
	Avg Cost/Case	\$3,172	\$4,455				
	Median	\$1,252	\$1,476				
2004	# of Cases	4110	4356	4393			
	Avg Cost/Case	\$3,206	\$4,555	\$5,058			
	Median	\$1,297	\$1,461	\$1,469			
2003	# of Cases	3894	4207	4272	4291		
	Avg Cost/Case	\$3,226	\$5,114	\$5,876	\$6,218		
	Median	\$1,310	\$1,649	\$1,725	\$1,741		
2002	# of Cases	3683	3937	4016	4050	4054	
	Avg Cost/Case	\$3,121	\$5,076	\$5,983	\$6,406	\$6,697	
	Median	\$1,364	\$1,695	\$1,820	\$1,842	\$1,843	
2001	# of Cases	3327	3582	3660	3714	3733	3735
	Avg Cost/Case	\$3,100	\$5,022	\$6,270	\$6,935	\$7,224	\$7,298
	Median	\$1,425	\$1,834	\$1,993	\$2,061	\$2,068	\$2,057

SOURCE: Data provided by State of Montana WCAP database.

**Exhibit 5.10**

<b>Wage Replacement: Temporary Partial Disability, including Lump Sums</b>							
<b>Injury Year</b>	<b>Category</b>	<b>First Year</b>	<b>(Cumulative Totals)</b>				
			<b>Second Year</b>	<b>Third Year</b>	<b>Fourth Year</b>	<b>Fifth Year</b>	<b>Sixth Year</b>
2006	# of Cases	660					
	Avg Cost/Case	\$1,352					
	Median	\$709					
2005	# of Cases	770	847				
	Avg Cost/Case	\$1,327	\$1,618				
	Median	\$661	\$726				
2004	# of Cases	841	924	937			
	Avg Cost/Case	\$1,413	\$1,696	\$1,821			
	Median	\$593	\$651	\$662			
2003	# of Cases	754	844	864	869		
	Avg Cost/Case	\$1,389	\$2,062	\$2,275	\$2,339		
	Median	\$704	\$770	\$802	\$812		
2002	# of Cases	685	787	806	821	822	
	Avg Cost/Case	\$1,343	\$1,812	\$1,975	\$2,064	\$2,078	
	Median	\$660	\$766	\$785	\$787	\$787	
2001	# of Cases	583	674	695	703	705	707
	Avg Cost/Case	\$1,352	\$1,822	\$1,946	\$2,117	\$2,131	\$2,129
	Median	\$668	\$805	\$852	\$840	\$852	\$852

SOURCE: Data provided by State of Montana WCAP database.

**Exhibit 5.11**

Wage Replacement: Permanent Partial Disability, including Lump Sums							
Injury Year	Category	First Year	(Cumulative Totals)				
			Second Year	Third Year	Fourth Year	Fifth Year	Sixth Year
2006	# of Cases	424					
	Avg Cost/Case	\$5,534					
	Median	\$2,919					
2005	# of Cases	910	1416				
	Avg Cost/Case	\$7,251	\$8,644				
	Median	\$2,835	\$4,385				
2004	# of Cases	967	1792	1929			
	Avg Cost/Case	\$5,197	\$7,934	\$8,382			
	Median	\$2,739	\$4,399	\$4,557			
2003	# of Cases	830	1773	2064	2114		
	Avg Cost/Case	\$4,327	\$7,057	\$8,575	\$8,868		
	Median	\$2,483	\$4,139	\$4,186	\$4,300		
2002	# of Cases	654	1495	1804	1906	1941	
	Avg Cost/Case	\$4,165	\$6,159	\$7,825	\$8,492	\$8,797	
	Median	\$2,384	\$3,935	\$4,086	\$4,655	\$4,735	
2001	# of Cases	670	1339	1595	1716	1766	1779
	Avg Cost/Case	\$4,362	\$6,396	\$7,558	\$8,450	\$8,942	\$9,019
	Median	\$2,305	\$3,826	\$4,128	\$4,610	\$4,657	\$4,710

SOURCE: Data provided by State of Montana WCAP database.

**Exhibit 5.12**

Wage Replacement: Permanent Total Disability, including Lump Sums							
Injury Year	Category	First Year	(Cumulative Totals)				
			Second Year	Third Year	Fourth Year	Fifth Year	Sixth Year
2006	# of Cases	3					
	Avg Cost/Case	\$30,347					
	Median	\$24,000					
2005	# of Cases	0	6				
	Avg Cost/Case	\$0	\$35,451				
	Median	\$0	\$33,970				
2004	# of Cases	2	9	22			
	Avg Cost/Case	\$12,960	\$47,477	\$70,549			
	Median	\$12,960	\$28,350	\$42,090			
2003	# of Cases	7	13	33	48		
	Avg Cost/Case	\$11,129	\$29,473	\$41,674	\$45,343		
	Median	\$8,278	\$8,818	\$18,544	\$23,075		
2002	# of Cases	3	19	39	56	69	
	Avg Cost/Case	\$3,299	\$11,626	\$22,919	\$34,060	\$38,606	
	Median	\$1,669	\$3,603	\$9,819	\$19,117	\$19,510	
2001	# of Cases	4	10	27	42	50	58
	Avg Cost/Case	\$4,484	\$17,131	\$14,208	\$27,982	\$48,356	\$50,672
	Median	\$2,317	\$9,955	\$7,902	\$13,851	\$28,992	\$31,017

SOURCE: Data provided by State of Montana WCAP database.

**Exhibit 5.13**

Medical Costs: Payments to Physicians							
Injury Year	Category	First Year	(Cumulative Totals)				
			Second Year	Third Year	Fourth Year	Fifth Year	Sixth Year
2006	# of Cases	2766					
	Avg Cost/Case	\$2,308					
	Median	\$998					
2005	# of Cases	3850	4316				
	Avg Cost/Case	\$2,312	\$3,160				
	Median	\$1,160	\$1,599				
2004	# of Cases	3540	4469	4658			
	Avg Cost/Case	\$2,034	\$3,044	\$3,400			
	Median	\$1,064	\$1,692	\$1,823			
2003	# of Cases	3161	4098	4524	4638		
	Avg Cost/Case	\$2,176	\$3,260	\$3,702	\$3,896		
	Median	\$1,073	\$1,785	\$1,915	\$1,947		
2002	# of Cases	3205	3834	4121	4314	4439	
	Avg Cost/Case	\$2,085	\$3,086	\$3,544	\$3,797	\$3,933	
	Median	\$1,017	\$1,669	\$1,801	\$1,868	\$1,899	
2001	# of Cases	3089	3632	3772	3908	4108	4314
	Avg Cost/Case	\$1,935	\$2,873	\$3,305	\$3,694	\$3,927	\$4,030
	Median	\$980	\$1,580	\$1,756	\$1,838	\$1,902	\$1,880

SOURCE: Data provided by State of Montana WCAP database.

**Exhibit 5.14**

Medical Costs: Payments to Hospitals							
Injury Year	Category	First Year	(Cumulative Totals)				
			Second Year	Third Year	Fourth Year	Fifth Year	Sixth Year
2006	# of Cases	2017					
	Avg Cost/Case	\$3,615					
	Median	\$1,499					
2005	# of Cases	3113	3544				
	Avg Cost/Case	\$4,471	\$5,606				
	Median	\$1,882	\$2,340				
2004	# of Cases	2784	3665	3825			
	Avg Cost/Case	\$3,780	\$4,991	\$5,607			
	Median	\$1,682	\$2,195	\$2,350			
2003	# of Cases	2398	3305	3684	3787		
	Avg Cost/Case	\$3,509	\$5,104	\$5,669	\$5,980		
	Median	\$1,619	\$2,280	\$2,410	\$2,445		
2002	# of Cases	2485	3101	3337	3522	3624	
	Avg Cost/Case	\$3,923	\$5,146	\$5,681	\$5,993	\$6,200	
	Median	\$1,529	\$2,027	\$2,177	\$2,217	\$2,244	
2001	# of Cases	2396	2937	3055	3173	3343	3505
	Avg Cost/Case	\$3,315	\$4,447	\$5,181	\$5,511	\$5,893	\$6,013
	Median	\$1,386	\$1,918	\$2,031	\$2,077	\$2,108	\$2,105

SOURCE: Data provided by State of Montana WCAP database.



**Exhibit 5.15**

Medical Costs: Payments to Other Medical Providers							
Injury Year	Category	First Year	(Cumulative Totals)				
			Second Year	Third Year	Fourth Year	Fifth Year	Sixth Year
2006	# of Cases	3002					
	Avg Cost/Case	\$1,394					
	Median	\$414					
2005	# of Cases	3850	4249				
	Avg Cost/Case	\$1,584	\$2,470				
	Median	\$662	\$866				
2004	# of Cases	3471	4383	4562			
	Avg Cost/Case	\$1,445	\$2,410	\$2,907			
	Median	\$599	\$896	\$966			
2003	# of Cases	2941	3848	4291	4412		
	Avg Cost/Case	\$1,272	\$2,469	\$3,147	\$3,463		
	Median	\$621	\$954	\$1,047	\$1,088		
2002	# of Cases	2958	3554	3851	4087	4198	
	Avg Cost/Case	\$1,416	\$2,434	\$3,436	\$3,848	\$4,163	
	Median	\$601	\$902	\$985	\$1,044	\$1,095	
2001	# of Cases	2855	3390	3531	3676	3893	4104
	Avg Cost/Case	\$1,317	\$2,104	\$2,774	\$3,372	\$3,827	\$4,052
	Median	\$613	\$890	\$977	\$1,059	\$1,120	\$1,110

SOURCE: Data provided by State of Montana WCAP database.

**Exhibit 5.16**

Medical Costs: Payments to Physicians, Hospitals and Other Medical Providers							
Injury Year	Category	First Year	(Cumulative Totals)				
			Second Year	Third Year	Fourth Year	Fifth Year	Sixth Year
2006	# of Cases	3400					
	Avg Cost/Case	\$5,253					
	Median	\$2,059					
2005	# of Cases	4218	4622				
	Avg Cost/Case	\$6,856	\$9,520				
	Median	\$3,499	\$4,599				
2004	# of Cases	3873	4819	5005			
	Avg Cost/Case	\$5,871	\$8,809	\$10,097			
	Median	\$3,081	\$4,678	\$4,923			
2003	# of Cases	3384	4319	4776	4903		
	Avg Cost/Case	\$5,624	\$9,170	\$10,678	\$11,387		
	Median	\$3,020	\$4,800	\$5,260	\$5,359		
2002	# of Cases	3430	4037	4339	4576	4695	
	Avg Cost/Case	\$6,012	\$9,018	\$10,748	\$11,585	\$12,175	
	Median	\$2,889	\$4,426	\$4,830	\$5,007	\$5,146	
2001	# of Cases	3303	3842	3979	4126	4351	4567
	Avg Cost/Case	\$5,352	\$7,969	\$9,566	\$10,628	\$11,546	\$11,956
	Median	\$2,789	\$4,105	\$4,473	\$4,698	\$4,877	\$4,854

SOURCE: Data provided by State of Montana WCAP database.

**Exhibit 5.17**

Wage Replacement: Lump Sums							
Injury Year	Category	First Year	(Cumulative Totals)				
			Second Year	Third Year	Fourth Year	Fifth Year	Sixth Year
2006	# of Cases	246					
	Avg Cost/Case	\$10,718					
	Median	\$5,746					
2005	# of Cases	483	772				
	Avg Cost/Case	\$11,934	\$14,137				
	Median	\$5,023	\$7,400				
2004	# of Cases	417	933	1049			
	Avg Cost/Case	\$10,153	\$14,398	\$15,308			
	Median	\$5,000	\$8,252	\$8,819			
2003	# of Cases	427	934	1157	1221		
	Avg Cost/Case	\$8,523	\$13,175	\$14,936	\$15,880		
	Median	\$4,800	\$8,288	\$9,778	\$10,000		
2002	# of Cases	357	822	1032	1135	1178	
	Avg Cost/Case	\$7,761	\$11,856	\$14,313	\$15,145	\$15,632	
	Median	\$3,973	\$7,481	\$9,016	\$9,984	\$10,000	
2001	# of Cases	350	757	938	1029	1119	1150
	Avg Cost/Case	\$8,721	\$11,957	\$13,469	\$15,137	\$16,273	\$16,476
	Median	\$4,773	\$6,949	\$8,413	\$9,709	\$9,882	\$9,892

SOURCE: Data provided by State of Montana WCAP database.

**Exhibit 5.18**

Medical Lump Sums: Paid to Claimant as Settlement of Medical Liability							
Injury Year	Category	First Year	(Cumulative Totals)				
			Second Year	Third Year	Fourth Year	Fifth Year	Sixth Year
2006	# of Cases	1					
	Avg Cost/Case	\$2,000					
	Median	\$2,000					
2005	# of Cases	2	3				
	Avg Cost/Case	\$1,178	\$810				
	Median	\$1,178	\$855				
2004	# of Cases	\$0	1	1			
	Avg Cost/Case	\$0	\$5,000	\$5,000			
	Median	\$0	\$5,000	\$5,000			
2003	# of Cases	6	14	15	15		
	Avg Cost/Case	\$3,942	\$2,883	\$2,731	\$2,815		
	Median	\$438	\$847	\$695	\$1,000		
2002	# of Cases	4	26	33	37	40	
	Avg Cost/Case	\$342	\$2,383	\$2,760	\$2,507	\$2,422	
	Median	\$146	\$578	\$707	\$576	\$567	
2001	# of Cases	3	10	21	28	28	30
	Avg Cost/Case	\$12,500	\$8,813	\$4,919	\$8,119	\$8,310	\$7,774
	Median	\$2,000	\$2,000	\$1,000	\$1,102	\$1,552	\$1,102

SOURCE: Data provided by State of Montana WCAP database.

Exhibit 5.19

Wage Replacement: Vocational Rehabilitation Benefits, including Lump Sums							
Injury Year	Category	First Year	(Cumulative Totals)				
			Second Year	Third Year	Fourth Year	Fifth Year	Sixth Year
2006	# of Cases	179					
	Avg Cost/Case	\$4,894					
	Median	\$2,931					
2005	# of Cases	50	315				
	Avg Cost/Case	\$3,271	\$5,398				
	Median	\$2,002	\$3,416				
2004	# of Cases	38	147	222			
	Avg Cost/Case	\$2,048	\$3,463	\$4,494			
	Median	\$2,065	\$2,347	\$2,601			
2003	# of Cases	34	200	258	292		
	Avg Cost/Case	\$1,817	\$3,496	\$4,246	\$5,207		
	Median	\$1,688	\$2,233	\$2,396	\$2,550		
2002	# of Cases	37	169	234	267	283	
	Avg Cost/Case	\$2,405	\$3,580	\$5,488	\$6,520	\$6,968	
	Median	\$1,605	\$2,263	\$2,723	\$2,951	\$3,040	
2001	# of Cases	43	162	229	263	280	289
	Avg Cost/Case	\$1,757	\$3,249	\$4,701	\$6,076	\$6,936	\$7,180
	Median	\$1,442	\$2,053	\$2,345	\$2,536	\$2,679	\$2,716

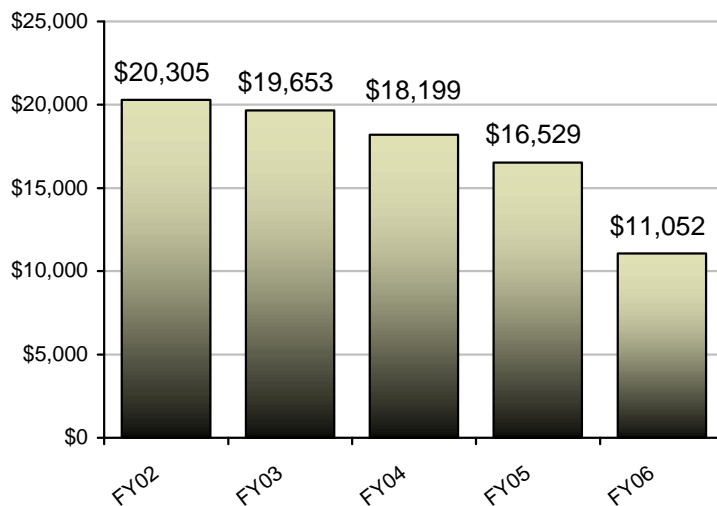
SOURCE: Data provided by State of Montana WCAP database.

# Settlement Dollars

Settlements are lump sum payments of the claimant's workers' compensation indemnity and/or medical benefits. Benefits are usually paid in periodic payments designed to sustain an injured worker over an extended period of time. Settlements can occur when the claimant and the insurer agree that benefits will be converted to a lump sum payment. If the claimant has more than one claim, a settlement may settle more than one of those claims. Settlements are subject to approval by the ERD.

This graph displays average settlement amounts, by fiscal year of injury, for claims settled between July 01, 2001 and June 30, 2006. This information includes both injury and occupational disease settlements.

**Exhibit 5.20**  
**Average Settlement<sup>1</sup>**  
**By Fiscal Year of Injury**



**Exhibit 5.21**  
**Settlement Amounts for Claims Settled<sup>1</sup>**  
**By Plan Type<sup>2</sup> and Fiscal Year of Injury**

Plan Type <sup>2</sup>	FY02		FY03		FY04		FY05		FY06	
	Amount	Count	Amount	Count	Amount	Count	Amount	Count	Amount	Count
Plan 1	3,023,408	172	2,808,358	191	2,362,202	157	1,267,887	100	116,588	28
Plan 2	6,527,400	360	6,083,727	346	4,604,716	275	2,923,667	179	706,379	62
Plan 3	8,137,473	340	9,012,125	375	6,213,191	296	4,211,789	231	934,262	69
UEF	78,596	3	97,661	4	141,417	4	59,300	2	0	0
<b>Totals<sup>3</sup></b>	<b>\$17,766,877</b>	<b>875</b>	<b>\$18,001,871</b>	<b>916</b>	<b>\$13,321,526</b>	<b>732</b>	<b>\$8,462,643</b>	<b>512</b>	<b>\$1,757,229</b>	<b>159</b>

**Notes:**

<sup>1</sup>These charts do not include settlements ordered by the Workers' Compensation Court.

<sup>2</sup>Plan types: Plan 1 – Self-Insured Employers, Plan 2 – Private Insurance, Plan 3 – Montana State Fund, and UEF – Uninsured Employers Fund.

<sup>3</sup>Previous fiscal year information has been updated.

## Attorney Fees

The ERD requires claimants' attorneys to submit a legal fee report at regular intervals throughout the life of a claim. Maximum legal fees are set by rule<sup>1</sup> and regulated by the ERD. The legal fee report provides the amount of attorney costs and fees received by the attorney.

The data in exhibits 5.22 and 5.23 present the attorney fees and associated costs by plan type and fiscal year of injury.

**Exhibit 5.22**  
**Total Attorney Legal Fees**  
**By Plan Type<sup>2</sup> and Fiscal Year of Injury**

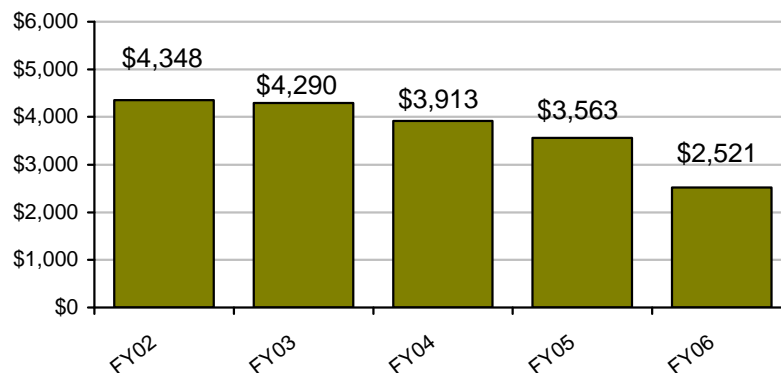
Plan Type <sup>2</sup>	FY02		FY03		FY04		FY05		FY06	
	Amount	Count	Amount	Count	Amount	Count	Amount	Count	Amount	Count
Plan 1	275,916	75	227,743	63	199,842	41	126,346	36	242,004	127
Plan 2	1,000,117	257	769,192	188	534,062	137	350,033	105	449,383	205
Plan 3	1,009,883	193	980,813	210	754,703	203	546,101	147	960,465	317
UEF	1,250	1	0	0	6,094	1	7,114	1	22,218	15
<b>Totals</b>	<b>\$2,287,166</b>	<b>526</b>	<b>\$1,977,749</b>	<b>461</b>	<b>\$1,494,701</b>	<b>382</b>	<b>\$1,029,594</b>	<b>289</b>	<b>\$1,674,070</b>	<b>664</b>

**Notes:**

<sup>1</sup>§39-71-613 and §39-71-606, MCA (2005).

<sup>2</sup>Plan types: Plan 1 – Self-Insured Employers, Plan 2 – Private Insurance, Plan 3 – Montana State Fund, and UEF – Uninsured Employers Fund.

**Exhibit 5.23**  
**Average Attorney Legal Fees**  
**By Fiscal Year of Injury**



The ERD also collects legal fees reported on workers' compensation approved settlements. The table below represents fees claimed in the fiscal year of the approved settlement regardless of the fiscal year in which the injury or disease occurred. This data shows that approximately 55% of all settlements in FY06 involved attorneys.

**Exhibit 5.24**  
**Attorney Fees from Claimant Settlements<sup>1</sup>**  
**By Fiscal Year of Settlement**

	FY02	FY03	FY04	FY05	FY06
Number of Settlement Petitions Processed	1,228	1,324	1,415	1,452	1,459
Claims Settled with Attorney Representation	682	646	766	778	796
Percent Claimants Represented by Attorney	55.5%	48.8%	54.1%	53.6%	54.6%
Total Settlement Amount with Attorney Involvement	\$17,551,999	\$17,745,697	\$22,504,597	\$22,361,132	\$26,086,926
Total Attorney Fees	\$3,183,271	\$3,191,182	\$3,965,833	\$3,936,199	\$4,729,148

**Notes:**

<sup>1</sup>Similar to reports issued in previous years, there are a small percentage of records for which no attorney fees were listed due to entry errors and/or reporting limitations.

